IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4777 OF 2004

Mahendrasingh Yadav Sonawane — Petitioner
vs.
The Secretary,
Deptt. of Higher Education, & ors. — Respondents

Mr.C.T.Chandratre for the petitioner.

Mr.S.R.Nargolkar, A.G.P. for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 5th April 2005

P.C.

After having heard the learned counsel for the petitioner and the learned A.G.P., we are satisfied that instead of issuing rule in the matter this writ petition may be disposed of by the following order:

(i) The Caste Scrutiny Committee, Nashik Division, Nashik Road, Nashik shall decide the petitioner's caste claim as expeditiously as possible and in no case later than two months from the date of the production of the order of this Court.

(ii) The petitioner's admission to the Engineering course as well as the result of the first year examination held in

the month of June 2004 shall be subject to verification of petitioner's caste claim that he belongs to Nomadic Tribe.

(iii) In the event of the Caste Scrutiny Committee holding that the petitioner does not belong to Nomadic Tribe, as per Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, the benefit secured by the petitioner on the basis of the aforesaid caste certificate shall stand withdrawn automatically. This is, however, subject to any other order that may be passed by the Court before whom the order of the Caste Scrutiny Committee is challenged by the petitioner.

(iv) We order accordingly.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)